

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WANI J. KOSE,

Plaintiff,

v.

H. SIEZ, et al.,

Defendants.

No. 1:23-cv-00557-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF No. 12)

Plaintiff Wani J. Krose is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 27, 2023, the Magistrate Judge screened Plaintiff's complaint and found that Plaintiff had stated a cognizable Eighth Amendment failure to protect claim against Defendant Siez and cognizable Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Analyn and Walker, all in their individual capacities. (ECF No. 12.) Based on this, the Magistrate Judge recommended that the matter proceed against Defendants in their individual capacities, and that the Court dismiss, pursuant to the Eleventh Amendment, monetary claims against Defendants in their professional capacities. (*Id.* at 11.) The Magistrate Judge's findings and recommendations contained notice that Plaintiff had fourteen days within which to file objections. (*Id.* at 12.) That deadline has passed, and Plaintiff has not filed objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on June 27, 2023, (ECF No. 12), are adopted in full;
2. This action will proceed on Plaintiff's Eighth Amendment failure to protect claim against Defendant Siez and his Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Analyn and Walker, in their individual capacities only;
3. Plaintiff's claims against Defendants Siez, Analyn, and Walker, in their official capacities, are dismissed; and
4. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: August 22, 2023

UNITED STATES DISTRICT JUDGE